FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 2570 OF 2006

Office notes, office Memoranda of appearances, Court's orders or directions & Registrar's orders.	Court's or Judge's Orders

Mr. Rajesh Datar i/b R & D Legal for petitioner

Mr. F.R. Shaikh, Addl.PP

CORAM: SMT. RANJANA DESAI, J.
DATED:-13/12/2006

P.C.:-

Heard Mr. Datar, learned counsel for the petitioner.

By order dated 6/4/96 the trial court allowed the application filed under Section 125 of the Criminal Procedure Code ("the Code" for short) by the 1st respondent wife for maintenance. The petitioner was directed to pay maintenance @ Rs.350/- per month to the 1st respondent from 25/3/94. Cost of Rs.300/- were also awarded to the 1st respondent.

The petitioner accepted this

order. He did not challenge it. Thereafter 1st respondent made an application under Section 127(2) of the Code for enhancement of the maintenance. That application was allowed and the petitioner was directed to pay enhanced maintenance @ Rs.650/- per month.

The petitioner challenged that order in the Sessions Court by preferring a revision application. The Sessions Court dismissed the revision application and hence this petition.

Mr. Datar contended that there was no valid marriage between the petitioner and the 1st respondent inasmuch as they were minors when they were married. Admittedly this point was never raised in the trial court or in the lower appellate court. In writ jurisdiction this court will not go into the question whether there is valid marriage or not at this stage particularly when this point was never raised in the trial court or lower

appellate court. Besides the order granting maintenance to the 1st respondent has not been challenged by the petitioner.

No case is made out for interference with the impugned order. Petition is rejected.

JUDGE.